



## State of Connecticut

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*Testimony by Representative Rob Sampson  
Before the Labor and Public Employees Committee  
On Senate Bill 352 & House Bill HB 5433  
March 13, 2012*

Chairmen Prague and Zalaski, Ranking Members Guglielmo and Rigby, and members of the Labor and Public Employees Committee. Thank you for the opportunity to testify today. I'm here to express my opposition of ***SB 352 – AN ACT CREATING A PROCESS FOR FAMILY CHILD CARE PROVIDERS TO COLLECTIVELY BARGAIN WITH THE STATE*** and also ***HB 5433 – AN ACT CREATING A PROCEDURE FOR PERSONAL CARE ATTENDANTS TO COLLECTIVELY BARGAIN WITH THE STATE.***

I am opposed to both of these proposed bills for several reasons. I believe these bills to be based on a faulty premise. Both require that legitimate majority representatives have been established and are now lobbying for the ability to collectively bargain with the state. I submit that this is not nor has ever been the case. You may be aware that the first legal challenge to the Governor's Executive Orders #9 and #10 has already been filed and another is forthcoming.

These Executive Orders are the faulty foundation that I am referring to. The Governor did not have the authority to issue these Executive Orders as it is the responsibility of this body, the Connecticut General Assembly, to make the laws of our state. The Governor is limited to enforcing existing laws only and not to making new law.

The Governor's administration has repeatedly claimed that the Executive Orders were not binding. These two pending bills are proof to the contrary. These bills rely on the Executive Orders to have established the necessary process for unionization so that this request for the ability to collectively bargain can occur.

In the case of the day care providers, they have already been unionized by the questionable process laid out within executive order #9. Most notably, neither the day care providers nor the personal care attendants have asked to be unionized. This strikes me as a significant detail. To the contrary, this unionization process has come via a national effort that is being played out in several states.

Further, both bills clearly state that neither group will be considered state employees. This I applaud as that is indeed an accurate statement. Yet, they will be represented by a union whose responsibility is to negotiate on their behalf with the state. This makes little sense considering that neither group is the true beneficiary of the state funds the union will be negotiating about.

In the case of the day care providers, they are merely the final recipient of funds to benefit parents sending their children to day care using a Care4Kids subsidy. Similarly, the PCA's are the final recipient of money provided via the Medicaid waiver program to their employers, typically members of the disabled community.

Finally, the governor has failed to make clear who specifically will be affected by this legislation. In a letter dated Jan 6<sup>th</sup> from Senator Markley and I, we asked for clarification about the inclusion of day care providers who do not receive Care4kids funds and if those in or out of the program had the choice to opt in or opt out of any established bargaining unit. We also asked by what authority can the executive branch establish this process for unionization including the procedure for elections, and what state or federal labor law allows the Governor to unionize independent business people who are clearly not employees, or in the case of PCAs, are domestic workers of many different individual employers.

I have no objection to the establishment of either group forming a union or being able to collectively bargain. However, it is clear that this is not happening due to any effort from within these communities and that many apparent conflicts within our own state and national labor law are becoming increasingly obvious. This makes it clear that this legislation cannot rightfully go forward.

Thank you for the opportunity to testify today at this public hearing on SB 352 and HB 5433. I am respectfully requesting that you consider my concerns and reject these two proposals.

Sincerely,

Rep. Rob Sampson  
80<sup>th</sup> District (Wolcott & Southington)